

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
THURSDAY, AUGUST 22, 2002
MINUTES**

MEMBERS PRESENT: Dale Strama, Bevier "Brouck" Sleight III, James Rosemeyer, Susan Feith, and James Greenwald

EXCUSED: Char Glocke

STAFF PRESENT: Kimberly Nania, John Schweitzer, Darwin Tichenor, William Dusso, Joel Garb, and Grace Schwingel

GUESTS: James W. Weber, nominated to replace board member, James Greenwald
Bill Buissonnelt, WPTA
Dyana Tillinger, WCA;
Liz Schumacher, Wisconsin Medical Society

CALL TO ORDER

Dale Strama, Chair, called the meeting to order at 8:05 a.m. A quorum of five members was present.

Dale Strama announced that he would not serve another term on the Board after January 2003.

APPROVAL OF AGENDA

Amendments: The following items will be discussed in Closed Session - Bill Dusso and Joel Garb, will be addressing the Board regarding John Riegleman, under the heading "Consult with Legal Counsel." Under the agenda heading "Correspondence and Phone Inquiries," the Board will discuss the application of James Corneiller. Kim Nania added Kent Albrecht to the preceptor approval list. The Board will review education for Michael Rusak under agenda item "Division of Enforcement." The Board will also reconsider the final decision and order involving Leif Helling.

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 18, 2002

Amendments: It was noted that the motion made regarding James Corneiller, page 3 of the minutes, was seconded by Bevier Sleight. There was a question as to why the Board is looking at approving Ken Albrecht today as a preceptor, since he was approved as a preceptor at the last meeting on July 18, 2002.

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to approve the minutes of July 18, 2002, as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board may meet with the WCA to work on the definition of chiropractic. James Greenwald indicated the Board would like to have better communication between the Boards and the Department regarding legislation and rule changes that affect the profession. The Board also commended the Department for what it felt was a very good meeting on August 7, 2002. The Board expressed an interest in receiving the list of about 16 items that were discussed in that meeting with representatives of many of the Boards and the Secretary's Office as to things that could be done to improve services to the Boards.

REVIEW AND DISCUSSION OF REQUIREMENTS RE: PRECEPTORSHIPS

Legal Counsel, John Schweitzer, discussed with the Board the requirements and the process for approval of preceptorships as listed in the agenda packet. The concern was that students could be left stranded if discipline is imposed against a preceptor. The Board opted to keep the requirements as they are at the school level for the benefit of the student.

PRECEPTOR APPROVAL

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the following individuals as preceptors: Curt Draeger, Steven Edling, Harold Flom, David Hackbarth, Leroy Moyer, Robert Sell, and Richard Kopp. Motion carried unanimously.

DISCUSSION RE: APPROACH TO PARAPHYSIOLOGICAL JOINT SPACE LEGISLATION AND POSITION WITH WCA

The Board would like to learn why the WCA is opposed to the current language relating to paraphysiological joint space in the legislation. Representatives of the Board will arrange a meeting with the WCA.

APPOINT DELEGATE TO THE FCLB DISTRICT II MEETING SEPTEMBER 27-29, 2002

MOTION: Bevier Sleight moved, seconded by James Greenwald, to appoint James Rosemeyer as a delegate to the FCLB District II meeting. Motion carried unanimously.

PLANNING FOR VISIT TO PART IV NATIONAL EXAMINATION IN NOVEMBER

Darwin Tichenor discussed exam locations and which of the three board delegates would be able to attend the exams along with the training involved. The Board expressed a preference to attend exams in Davenport and Minnesota. NBCE suggested that all board members go to the Logan College site. James Greenwald, Bevier Sleight and James Weber are the board delegates to observe the exams. The Administrative Coordinator for Examinations, Horace Elliott, indicated that only observers who were professional examiners should monitor the exams. It was the Board's opinion that the Board's public member should qualify to visit the exam sites if the Board is going to utilize Part IV National Examination. The expenses for the Board's involvement in this matter were discussed.

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to include Dr. James Weber in all Board business, in both open and closed sessions, until his confirmation has been approved. Motion carried unanimously.

DISCUSSION OF CONTINUING EDUCATION AND PENDING LAWSUIT AAG BRUCE OLSON

Bruce Olson, legal counsel from the Attorney General's Office, who will be representing the Board, met with the Board to discuss the lawsuit the Wisconsin Chiropractic Association (WCA) filed against the Board and Dr. Strama. The complaint made by WCA alleges the Board, and especially Dr. Strama, unlawfully approved continuing education credits for Allied Health. The Board's position is that the charges regarding approving co-sponsored continuing education courses for Allied Health are groundless.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

The Board discussed with Legal Counsel Dr. James Corneiller's response to the Board's denial of his application and of the letter regarding an assessment that had been done for Dr. Corneiller. This matter will be discussed in Closed Session and voted on after reconvening into Open Session.

Legal Counsel, John Schweitzer, reviewed correspondence addressed to the Board regarding the accreditation of Life University College of Chiropractic (LUCC) located in Marietta, Georgia. CCE is still in the process of reviewing whether LUCC should be accredited. The Board will not take any action until it is notified that the appeal process is complete. LUCC continues to be accredited until the appeal process is complete and a decision has been reached.

Board reviewed other correspondence received by Legal Counsel, John Schweitzer, from Dr. Murphy and from Deborah Green, and will respond as directed by the Board.

ADJOURN TO CLOSED SESSION

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to adjourn to Closed Session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g) for the purposes of deliberating on an application review of Randall Wittman, deliberation of proposed stipulations that may be signed after the mailing of the agenda, deliberation of proposed administrative warnings after mailing of agenda, DOE case status report examination issues with Darwin Tichenor, review of the final three challenges of the 6/6/02 examination, approval of 9/6/02 examination materials, tools and equipment for examinations and review of physical diagnosis forms, consulting with legal counsel concerning the Riegleman case, looking at continuing education issues for Dr. Rusak and for continued discussion with Bruce Olson concerning the pending lawsuit. Motion carried unanimously by roll call vote: Dale Strama-yes, Bevier Sleight-yes, James Rosemeyer-yes, Susan Feith-yes, James Greenwald-yes.

Open Session recessed at 9:10 a.m.

RECONVENE INTO OPEN SESSION

MOTION: James Rosemeyer moved, seconded by James Greenwald, to reconvene into open session at 12:10 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

APPLICATION REVIEW

RANDALL WITTMAN, D.C.

MOTION: Susan Feith moved, seconded by James Greenwald, to request more information in the matter concerning Randall Wittman, and review his application again at the Board's next meeting in September 2002. Motion carried unanimously.

JAMES CORNEILLER, D.C.

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to approve the licensure application of Dr. James Corneiller. Motion carried unanimously.

DIVISION OF ENFORCEMENT - CASE STATUS REPORT

PAUL GRENIER, D.C.

MOTION: James Greenwald moved, seconded by Susan Feith, to close the case against Paul Grenier, 02 CHI 25, for no violation. James Rosemeyer was the case advisor. Motion carried unanimously.

APPROVAL OF EDUCATION ALREADY COMPLETED

MICHAEL RUSAK, DC

MOTION: James Greenwald moved, seconded by James Rosemeyer, to accept the continuing education courses submitted by Dr. Rusak for compliance with regard to normal continuing education requirements, but not for the continuing education requirements requested by the Board order regarding his stipulation. The Board requested that DOE investigate Dr. Rusak's continuing education. Motion carried unanimously.

FINAL DECISION AND ORDER

LEIF HELLING, D.C.

The Board reviewed information it had received regarding Dr. Leif Helling, but did not take any action on this information at today's meeting.

DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

None

DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS RECEIVED AFTER MAILING OF AGENDA

None

EXAMINATION ISSUES – DARWIN TICHENOR

▪ Review of Final Three Challenges from 6/6/02 Examination

Darwin reviewed the physical diagnosis challenges the exam office had received.

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to make no change for two of the challenges and to change one of the challenges enabling candidate # 1024 to pass the 6/6/02 exam. Motion carried unanimously.

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to approve the examination materials for 9/6/02, and to define the tools and equipment for examinations. The physical diagnosis forms were reviewed and approved with minor changes. Motion carried unanimously.

CONSULT WITH LEGAL COUNSEL

Legal Counsel, William Dusso, reviewed with the Board, the Court of Appeals decision regarding Dr. Riegleman, DC. Joel Garb reviewed the appeal the Board made from the Circuit Court decision and the process involved. Garb informed the Board that Dr. Riegleman made an appeal and filed a petition for a review in the Supreme Court, which enables him to keep

practicing. The Board will need to file a response by next Thursday, August 29, 2002. This case cannot be used as a precedent in the future.

INFORMATIONAL ITEMS

Board members felt it was important to correct a statement that was made by a legislator at the August 1, 2002 WCA meeting to the WCA Board of Directors that indicated that the Department oversees the trade associations. Greenwald will verify this information and write an article for the Regulatory Digest correcting this information.

AGENDA ITEMS FOR NEXT MEETING

James Rosemeyer requested that the Board discuss at its next board meeting in September, prohibiting co-sponsorship for continuing education and limiting sponsorship of continuing education programs to the ACA and the ICA and any College of Chiropractic approved by the Board.

SCHEDULE 2003 MEETING DATES

The Board decided to meet on the third Thursday of every month in 2003, on the following dates.

January 16	Apr. 17	July 17	October 16
February 20	May 15	August 21	November 20
Mach. 20	June 19	September 18	December 18

ADJOURN

MOTION: James Rosemeyer moved, seconded by Susan Feith, to adjourn the meeting at 12:25 p.m. Motion carried unanimously.

Next Meeting: Thursday, September 19, 2002 (Room 180)

RECONVENE INTO CLOSED SESSION IMMEDIATELY FOLLOWING OPEN SESSION

SCREENING COMMITTEE – Screen informal complaints – Drs. James Strama, James Rosemeyer and James Greenwald and Division of Enforcement Staff.